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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/867,200	05/29/2001	Robert H. Scheer	31083.05US3	5897
34018	7590	02/11/2005	EXAMINER	
GREENBERG TRAURIG, LLP 77 WEST WACKER DRIVE SUITE 2500 CHICAGO, IL 60601-1732			CUFF, MICHAEL A	
ART UNIT		PAPER NUMBER		3627

DATE MAILED: 02/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

	Application No.	Applicant(s)
	09/867,200	SCHEER, ROBERT H.
Examiner	Art Unit	
Michael Cuff	3627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) Responsive to communication(s) filed on 25 October 2004.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) Claim(s) 4-9 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 4-9 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All
  - b) Some \*
  - c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 4-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Huang et al., US patent 5,953,707 (from IDS)

Huang et al. shows, figure 16, a decision support system for the management of an agile supply chain.

From column 18, lines 13-15, The Demand Management Frame 130 requires the participation of two modules (intelligent agents to provide forecasts of demand): the Sales Forecasting and Planning (SFP) Module 132 and the Market Data Analysis (MDA) module 134 (historical demand data for use in forecasting).

From column 24, lines 33-64:

Forecast Reconciliation

The Demand Management Frame 130 supplies the Forecast Data 146 (bottom-up and top-down forecasts). The PSI Reconciliation Activity 170 in concert with the SFP Module 132 revises the top-down forecasts and reconciles the bottom-up and top-down forecasts. This is an iterative process, which is shown as the "S" loop (in the top right quadrant in the process flow diagram. If any changes to the bottom-up forecasts

are warranted, the PSI Planning Frame 160 interacts with the Demand Management Frame 130 to make the necessary changes.

#### Inventory Planning (establish base stocking levels and reorder points)

The PSI Reconciliation activity 170 (maximize efficiency) in concert with the FGIM Module 164 determines the inventory requirements in an iterative fashion. This is shown as the "I" loop (in the top left quadrant) in the process flow diagram. The inventory requirements are written to Inventory Data 182. The FGIM Module 164 as part of the PSI Planning Frame 160 also formulates the finished goods inventory policies; the policy parameters are written to Inventory Parameters 172.

#### Supply Requirement Planning

The PSI Reconciliation Activity 170 in concert with the APP Module 160 determines the production requirements that are consistent with the sales plan and the inventory requirements in an iterative fashion. This is shown as the "P" loop (in the bottom right quadrant) in the process flow diagram. The production requirements are written to Production Requirements Data 174. The APP Module 160 as part of the PSI Planning Frame 160 also checks aggregate production capacity and key component availability using Production Capacity Data 180 and Inventory Data 182 (component availability).

VMR (vendor managed replenishment) strategic planning is detailed in figure 23 and columns 31 and 32. It is the vendors with multiple distribution points who determine when stocks are to be replenished and in what quantity. (Per applicant's specification,

critical stocking ratio that will indicate the total quantity the distributor [vendor] can afford to hold in inventory during the forecast period.)

***Response to Arguments***

Applicant's arguments with respect to claims 4-9 have been considered but are moot in view of the new areas cited in the same ground(s) of rejection.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Cuff whose telephone number is (703) 308-0610. The examiner can normally be reached on 8:00 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*Michael Cuff 2/7/05*  
Michael Cuff  
February 7, 2005